

ESTTA Tracking number: **ESTTA488377**

Filing date: **08/09/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055964
Party	Plaintiff A partnership, d.b.a. Ku de Ta, comprised of Guy Neale, Aki Kotzamichalis, Made Wiranatha, et al.
Correspondence Address	DAVID S ELKINS SQUIRE SANDERS (US) LLP 600 HANSEN WAY PALO ALTO, CA 94304 UNITED STATES David.Elkins@squiresanders.com, joseph.grasser@squiresanders.com,trademark@squiresanders.com
Submission	Other Motions/Papers
Filer's Name	David S. Elkins
Filer's e-mail	David.Elkins@squiresanders.com, joseph.grasser@squiresanders.com,trademark@squiresanders.com
Signature	/David S. Elkins/
Date	08/09/2012
Attachments	Notice_of_Domestic_Representative_Address.pdf (3 pages)(43539 bytes) Certificate of Service_8-9-2012.PDF (1 page)(20722 bytes) Exhibit A Nine Squires Domestic Representative.pdf (2 pages)(331546 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 4,120,131

Mark: **KU DE TA**

Registered on April 3, 2012

A Partnership, d.b.a. Ku de Ta, comprised of:

Guy Neale,
Aki Kotzamichalis,
Made Wiranatha,
White Horses Trading Company Limited,
Arthur Chondros, and
White Horses Investments Limited,

Petitioner,

v.

Nine Squares Pty Ltd.,

Registrant.

Cancellation No. 92055964

NOTICE OF RESPONDENT'S DESIGNATED DOMESTIC REPRESENTATIVE

David S. Elkins
David.Elkins@squiresanders.com
Joseph P. Grasser
Joseph.Grasser@squiresanders.com
SQUIRE SANDERS (US) LLP
600 Hansen Way
Palo Alto, California 94304
Telephone: (650) 856-6500
Facsimile: (650) 843-8777

Attorneys for Petitioner

In the matter of U.S. Trademark Cancellation No. 92055964 for the mark **KU DE TA** (the “Mark”), as currently registered by Nine Squares Pty Ltd. (“Respondent”), the petitioner partnership d.b.a. Ku de Ta, comprised of Guy Neale, Aki Kotzamichalis, Made Wiranatha, White Horses Trading Company Limited, Arthur Chondros, and White Horses Investments Limited (“Petitioner”), respectfully notifies the Trademark Trial and Appeal Board (the “Board”) that Respondent had previously appointed a Domestic Representative who is nevertheless not reflected in the electronic TARR system. Petitioner provides this notice in light of the Board’s August 3, 2012 notice that Petitioner had sent the service copy of the Petition to Cancel for the present cancellation proceeding to an attorney for Respondent instead of to Respondent itself.

Trademark Rules § 2.111(a) provides that a petitioner must include “proof of service on the owner of record for the registration, or the owner’s domestic representative of record, at the correspondence address of record.” Trademark Rules § 2.111(b) likewise reflects that “[t]he petitioner must include with the petition for cancellation proof of service, pursuant to § 2.119, on the owner of record, or on the owner’s domestic representative of record, if one has been appointed, at the correspondence address of record in the Office.” Finally, Trademark Rules § 2.119(b) provides that “[s]ervice of papers must be on the attorney or other authorized representative of the party if there be such.”

TARR reflects Respondent’s correspondence address of record as:

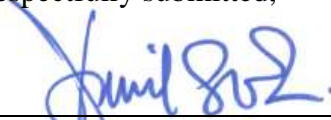
NINE SQUARES PTY LTD
39 Milton St
Elwood Victoria, 3184 Australia

Nevertheless, the Mark’s file history reflects that on October 26, 2011, during the Mark’s prosecution, Respondent filed a power of attorney and designated the following as its Domestic Representative:

STITES & HARBISON PLLC
1199 North Fairfax Street
Suite 900
Alexandria, Virginia 22314-1437
United States of America

A true and correct copy of Respondent's October 26, 2011 Power of Attorney and Designation of Domestic Representative is attached as Exhibit A. Because Petitioner served the Petition to Cancel on Respondent's designated Domestic Representative at the above address, service was properly made under Trademark Rules §§ 2.111 and 2.119. In an abundance of caution, however, Petitioner is concurrently filing a Proof of Service reflecting first-class mail service on Respondent at its address of record reflected above.

Respectfully submitted,



Date: August 6, 2012

David Elkins
Joseph P. Grasser
SQUIRE SANDERS (US) LLP
600 Hansen Way
Palo Alto, California 94304
Telephone: (650) 856-6500
Facsimile: (650) 843-8777

Attorneys for Petitioner
PARTNERSHIP D.B.A. KU DE TA, COMPRISED OF GUY
NEALE, AKI KOTZAMICHALIS, MADE WIRANATHA,
WHITE HORSES TRADING COMPANY LIMITED,
ARTHUR CHONDROS, AND WHITE HORSES
INVESTMENTS LIMITED

SANFRANCISCO/456832.2

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Petition to Cancel** has been served on the owner of record for the registration at the address of record in the U.S. Patent and Trademark Office by mailing said copy via First Class Mail, postage prepaid to:

NINE SQUARES PTY LTD
39 Milton St
Elwood Victoria, 3184 Australia

this 9th day of August, 2012.

By:


Julia Bisi

SANFRANCISCO/456826.1

Exhibit A

T06742US00/BT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)	
NINE SQUARES PTY LTD)	TM EXAMINING ATTORNEY
Serial No. 79/096,199)	MARCIE R. FRUM MILONE
I. R. No. 1074014)	LAW OFFICE 116
Filed: MARCH 24, 2011)	BOX - 5
Mark: KU DE TA)	

POWER OF ATTORNEY

Applicant hereby revokes all previous Powers of Attorney and hereby appoints Brewster Taylor, Mari-Elise Gates, Mari-Elise Taube, Amy S. Cahill, Lindsay Capps, Jack A. Wheat, Joel T. Beres, John W. Scruton, Alexandra T. MacKay, J. Randolph Michels, Jennifer L. Kovalcik, Christina Ryan, Marvin Petry, B. Aaron Schulman, Haley Dickerson, Eric G. Wright and Stephen J. Weyer, Attorneys at Law, of STITES & HARBISON PLLC, with offices at 1199 North Fairfax Street, Suite 900, Alexandria, Virginia 22314-1437, its Attorneys to prosecute this Application for registration, to transact all business in the Patent and Trademark Office in connection therewith to receive the Certificate of Registration.

DESIGNATION OF DOMESTIC REPRESENTATIVE

STITES & HARBISON PLLC, which has a postal address of 1199 North Fairfax Street, Suite 900, Alexandria, Virginia 22314-1437, United States of America, is hereby designated Applicant's representative upon whom Notices or process in proceedings affecting the mark may be served.

11/10/2011
Date

NINE SQUARES PTY LTD

Signature

Print Name

Print Title

JUSTIN TODD

DIRECTOR